IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 3770 of 2007(W)

PETITIONER:

DR.BIKKY MAMMEN MODAYIL,
S/O.DR.MAMMEN THOMAS, AGED 33 YEARS, RESIDING AT
MODAYIL HOUSE, DEVIKULAM- 685613.

BY ADV. SRI.N.M.VARGHESE
SRI.ROY THOMAS

RESPONDENTS:

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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY,
   VAIDYUTHI BHAVAN, PATTAM, THIRUVANANTHAPURAM-4.

2. **THE EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION,
   KERALA STATE ELECTRICITY BOARD,
   KATTAPPANA, IDUKKI DISTRICT.

3. **THE ASSISTANT ENGINEER,**
   ELECTRICAL MAJOR SECTION,
   CHITHIRAPURAM, IDUKKI DISTRICT.

4. **THE ASSISTANT ENGINEER,**
   ELECTRICAL SECTION,
   RAJAKUMARI, IDUKKI DISTRICT.

BY BY ADV.SRI.JOSE J.MATHEICKAL SC., KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.3770/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE COMMUNICATION NO.33/98-99 DT.31.7.98 ISSUED BY THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE BILLING ORDER ISSUED BY THE 3RD RESPONDENT DT.30.11.05.

EXT.P3:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT PASSED IN W.P.(C) NO.13638/04 DT.12.1.06.

EXT.P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DT.7.2.06.

EXT.P5: COPY OF THE NOTICE DT.18.1.07 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 3770 OF 2007-W

JUDGMENT

The petitioner has approached this Court, challenging Ext.P5 demand notice served on him, to recover an amount of Rs.2,13,743/-. The main ground of attack against Ext.P5 is that the said demand has been raised without considering Ext.P4 representation, in the light of Ext.P3 judgment. The learned standing counsel for the K.S.E.B submitted that the above contention of the petitioner is correct. No orders were passed as directed in Ext.P3 judgment. Without doing that Ext.P5 is issued. Therefore, it is submitted that the respondents are withdrawing Ext.P5. This submission is recorded and the writ petition is closed. If the power supply to the petitioner was disconnected for non-payment of the amount due under Ext.P5, the same shall be restored forthwith.

20th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/